



IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

DOCKET PA1.640

Prior docket No. PA1.640 CIP

In re Patent Application of

GROUP NUMBER OFFICE OF PETITIONS

BECKMAN, MARK

Serial No.: 09/301,868

Filed: 29 April 1999

For: SNACK PACKAGE ADAPTER  
FOR A BOTTLE

Group: OFFICE OF PETITIONS  
Mr. John J. Gillon, Jr.  
Senior Attorney

I hereby certify that this correspondence  
is being deposited with the United  
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ADDRESSED TO:

Mail Stop Petition

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

On \_\_\_\_\_

John E. Halamka

Dated: 6 April 2006

Palos Verdes Estates, California

RENEWED PETITION UNDER 37 CFR 1.137(b)  
AND REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.137(b)  
IN RESPONSE TO DECISION DISMISSING PETITION TO REVIVE  
AFTER ABANDONMENT DATED 4/29/2005  
FROM FINAL ACTION DATED 3/30/2001

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Office of Petitions: Attn: Mr. John J. Gillon, Jr.

**RECEIVED**

APR 13 2006

Dear Mr. Gillon:

**OFFICE OF PETITIONS**

Responsive to the Decision Dismissing Petition, Mailed 06  
February 2006, Applicant and his attorney wish to thank you for the  
Notice of steps to be taken after dismissal of the Petition to Revive to  
maintain pendency of the above identified application. The remaining  
element is the filing of the RCE. It is not of record in the USPTO even  
though the fee has been paid.

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4/6/2006

Applicant's attorney has been attempting to have U.S. Application, serial No. 09/301,868 made part of his "record" so that he could access the USPTO file through PAIR. However, all attempts have been unsuccessful. Attorney Gene Scott, the attorney who initially filed the application is still listed at attorney of record. However, the mailing address is not that of Mr. Scott but my own address at P.O. Box 207, Palos Verdes Estates, CA 90274.

A recent telephone conference with the Electronic Business Center revealed that my efforts to be made attorney of record so that I could access the file via PAIR would not be productive as the file is a "paper file", not scanned in because of its status as abandoned, so that it would not show up in PAIR.

Therefore I cannot review what is in the file to attempt to determine why the RCE is not in the file of the USPTO. I have reviewed my own paper file and find only a reference to the RCE in the submission of the CIP as part of the response to office action and a request to pay the fee for the RCE.

The post card receipt submitted for the response does not separately list the RCE as part of the reply so I cannot prove it was submitted.

I am concerned as this is the second incident for this application. The original power of attorney submitted with the response to office action in which I noted that I was the NEW ATTORNEY for this application is also not in the files of the USPTO and again, my post card did not expressly list the POW but only generically listed the paper as a RESPONSE - HOWEVER THE RESPONSE EXPRESSLY POINTS OUT THAT THE POW IS ATTACHED AND IT NAMES A NEW ATTORNEY with a request that John E. Halamka be made new attorney of record. My course of action for post card receipts has changed and will be a particular point of effort to list each and every item submitted in the future.

Because I cannot prove the RCE was filed, the better course of action is to re-submit the RCE as part of this request for reconsideration. The resubmission of the RCE is attached hereto. Because the fee has been paid, see Attachment 1, a copy of deposit account payment for filing the RCE, paid 7/6/05, the fee for resubmitting the RCE should not be due again. However, if the Petitions office believes it is payable again, the Petitions office is hereby authorized to charge my deposit account 080207 for the fee.

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4/6/2006

A complete investigation of why this application became abandoned is still not positively clear and part can only be left to reasonable speculation, especially why the examiner did not process the Power of Attorney submitted 1/5/2001 and enter JOHN E. HALAMKA as the attorney of record or give any notice of non-recognition. The Petitions office as recognized me at attorney of record but the PAIR access is still unresolved. If your office has any method to correct this situation, I would be very appreciative.

The other unknown concerning the RCE and its lack of availability in the files of the USPTO is now corrected with its resubmission. If any further discrepancy with this file is found, kindly notify me at your earliest convenience.

In the prior decisions it was noted that -

- "Petitioner failed to reply timely and properly to the non-final Office action mailed on 30 March, 2001, ..."

THIS ACTION WAS LABELED FINAL and addressed to the Patent Law & Venture Group instead of my office as requested in my 5 January 2001 Response to office action. The response was in the form of a CIP which requires a request to continue examination. I believe the reply is no in the proper condition.

Applicant's attorney respectfully requests the filing of the RCE with the priority of the original patent application pending its successful revival.

Upon consideration of the above remarks, the applicant respectfully believes that the application will be found in condition for revival and notice of such revival is respectfully solicited.

I do thank you for reconsidering the petition as poorly conceived as it is and your entering myself as attorney in record in the matter.

Enclosed is a resubmission of the RCE.

Attached to the RCE is a copy of the Deposit Account showing the charge for filing the RCE has been paid.

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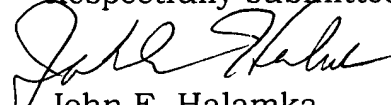
4/6/2006

As this response is filed within the two months from the mailing of the Decision Dismissing Petition, applicant's attorney believes that no additional fees are due other than a new petition fee and the fee due for my request for priority processing of the renewed petition. However, applicant's attorney authorizes any other fees found to be due to be charged to Deposit Account 08-0207.

In case the examiner finds the application is not yet in condition for allowance, applicant's attorney respectfully requests immediate notification of any deficiency to which applicant's attorney will immediately respond to correct such deficiency, if any.

Timely notice of revival of the application and removal of status as abandoned is hereby respectfully requested. However, as a CIP was filed, the final status of this application is "abandoned" and replaced by CIP serial No. 11/04481.

Respectfully submitted,



John E. Halamka  
Attorney of record